

## **FISCAL NOTE**

### **HB 576 - SB 1334**

March 23, 2007

**SUMMARY OF BILL:** Requires person convicted of aggravated robbery or especially aggravated robbery to serve 100 percent of the sentence imposed by the court, undiminished by sentence credits.

#### **ESTIMATED FISCAL IMPACT:**

##### **Increase State Expenditures - \$89,348,400 / Incarceration\***

##### Assumptions:

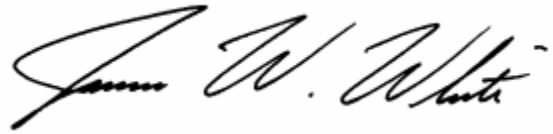
- According to the Department of Correction (DOC), there has been an average of 630 admissions per year for the past five years for aggravated robbery. Under current law, such an offender would serve 30% of the sentence imposed. The proposed bill requires such an offender to serve 100%, thereby increasing incarceration costs.
- 630 offenders would serve an additional 5.6 years (an increase from 2.4 years to 8 years) in the first year as a result of this bill. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth would result in 72 additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 702 offenders serving additional time after the sentence increase is added to time currently served as a result of this bill.
- According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 2.4 years is \$52,736.26 (\$60.16 x 876.60 days). The cost per inmate at 8 years is \$175,787.52 (\$60.16 x 2922 days). The additional operating cost from increasing the average sentence length from 2.4 years to 8 years is \$123,051.26 (\$175,787.52 - \$52,736.26). The total additional operating cost for 702 offenders is \$86,381,984.52 (\$123,051.26 x 702).
- According to DOC, there has been an average of 40 admissions for especially aggravated robbery each year for the past three years. Under current law, such an offender would serve 85% of the sentence imposed. The proposed bill requires such an offender to serve 100%.
- Forty offenders would serve an additional three years (an increase from 17 years to 20 years) in the first year as a result of this bill. Population growth of 1.09 percent per year would result in five additional offenders

serving additional time after the sentence increase is added to time currently served as a result of this bill. The maximum cost in the tenth year is based on 45 offenders. The cost per inmate at 17 years is \$373,548.48 (\$60.16 x 6209.25 days). The cost per inmate at 20 years is \$439,468.80 (\$60.16 x 7305 days). The additional operating cost from increasing the average sentence length from 17 years to 20 years is \$65,920.32 (\$439,468.80 - \$373,548.48). The total additional operating cost for 45 offenders is \$2,966,414.40 (\$65,920.32 x 45).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director